**THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU**

**Writ Petition No.11933 of 2000**

**ORDER:**

1 Husband of the petitioner filed a suit against the third respondent Municipal Corporation for an injunction restraining it from interfering with his possession over premises bearing No.3-4-363/1 and 363/A at Lingampalli. Alleging that in spite of the injunction order granted against the third respondent the officials of the third respondent are interfering with his possession over the said property petitioner filed this Writ Petition seeking a direction to respondents 1 and 2 to implement the decree of perpetual injunction passed in favour of her husband in O.S.No.3475 of 1996 on the file of the Court of Junior Civil Judge, Hyderabad on 28.4.1999. Though the Writ Petition was filed in the year 2000, no counter affidavit is filed on behalf of any of the respondents.

2 The contention of the learned counsel for the petitioner is that in view of the ratio in ***Satyanarayana Tiwari Vs. SHO P.S. Santoshnagar, Hyderabad and others***[1] and ***Rayapati Audemma Vs. Pothineni Narasimham***[2] the petitioner is entitled to the relief sought.

3 The fact that the husband of the petitioner obtained a decree of perpetual injunction against the third respondent is not denied or disputed by the respondents. If a decree granting perpetual injunction is violated, Rule 32 of Order 21 CPC provides the remedy therefor. So, if the third respondent really violated the order of injunction, petitioner could have filed an E.P. by invoking the provisions of Rule 32 of Order 21 CPC. But without taking recourse to the said remedy, petitioner directly approached this court.

4 It is no doubt true, as contended by the learned counsel for the petitioner in Satyanarayana Tiwari case (1 supra) it is observed that the High Court has ample jurisdiction to issue a writ or direction to all the authorities including the police within the State to enforce the orders of the civil Court and that it is the duty of all the authorities in the State to see that the orders of the civil Court and that of the High Court are not only enforced faithfully but all persons seeking enforcement of such

orders are given full help and protection in furtherance thereof and that the High court has ample jurisdiction to issue a writ to enforce the orders of the civil Court.

5 But the Writ Court will exercise jurisdiction only if no other effective or alternative relief is available. When the petitioner has an effective and alternative relief available, this Court need not by exercising its power under Article 226 of The Constitution of India grant relief to the petitioner.

6 In Rayapati Audemma case (2 supra) relied on by the learned counsel for the petitioner it is held that an order granting temporary injunction can be implemented by granting police aid. So the petitioner could have as well applied to the concerned Court for grant of police aid, if the third respondent without any just cause is interfering with her possession. Petitioner, who moved this Court without taking recourse to the effective remedies open to her, cannot be granted the relief sought in this petition.

7 Therefore, with a direction to the petitioner to seek the remedies available to her, this petition is dismissed. No costs.

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27.11.2007

***kvsn***

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[1] AIR 1982 A.P. 394

[2] AIR 1971 AP 53